

AMENDED IN SENATE MAY 10, 2005
AMENDED IN SENATE APRIL 27, 2005
AMENDED IN SENATE APRIL 12, 2005

SENATE BILL

No. 198

Introduced by Senator Lowenthal

February 10, 2005

An act to add Section 18871.1 to, to add Article 2.1 (commencing with Section 18615) to, and to repeal the heading of Article 2.5 of, Chapter 5 of Part 2.1 of Division 13 of, the Health and Safety Code, relating to manufactured homes.

LEGISLATIVE COUNSEL'S DIGEST

SB 198, as amended, Lowenthal. Manufactured housing: installation.

Existing law, the Mobilehome Parks Act, authorizes factory-built housing bearing a designated insignia, manufactured homes as defined, mobilehomes as defined, and multiunit manufactured housing as defined, to be affixed to a foundation system within a mobilehome park if the installation conforms to certain conditions. Existing law requires a contractor engaged to install a manufactured home or mobilehome to obtain a permit from the enforcement agency each time a manufactured home or mobilehome is to be located, installed, or reinstalled on any site for the purpose of human habitation or occupancy as a dwelling and requires the contractor to display a valid contractor's license when applying for the permit. Existing law requires the contractor to complete the installation in accordance with the regulations adopted by the department within the time limitations that are established by the regulations. Existing law prohibits the requirements for the installation of a manufactured home or

mobilehome from exceeding specified statutory requirements. Existing law makes it a misdemeanor to willfully violate the Mobilehome Parks Act.

This bill would require the Department of Housing and Community Development to *adopt guidelines, as specified, and to implement a program complying with federal requirements related to standards for installing or altering the installation of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars and the licensing, training, and certification of installers of manufactured homes, multiunit manufactured housing, and commercial modulars.* The bill would require the department to establish minimum standards of expertise relating to installing or altering the installation of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars, and to develop an examination necessary to assess that expertise. ~~The~~

The bill would prohibit a person holding a specified contractor's license from acting as a contractor or general manufactured home contractor to install or alter the installation an installer or altering the installation of a mobilehome, manufactured home, multiunit manufactured housing, or commercial modulars unless the that person is certified to do so and is a licensed contractor, as specified. The bill would authorize the issuance of a citation and civil penalty against an installer or person required to be certified for violations of provisions relating to installing or altering the installation of manufactured homes, multiunit manufactured housing, and commercial modulars. Because a willful violation of these provisions would be a misdemeanor, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 2.1 (commencing with Section 18615) is added to Chapter 5 of Part 2.1 of Division 13 of the Health and Safety Code, to read:

Article 2.1. Installation of Manufactured Homes

18615. (a) The department shall implement a program complying with the requirements of Section 5404 of Title 42 of the United States Code related to standards for installing or altering the installing of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars and ~~the licensing, training, training and certification of installers of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars. To the extent feasible, the program shall utilize existing licensing requirements and procedures of the Contractors State Licensing Board.~~

(b) ~~The~~ For the purposes of the certification required under this article, the department shall establish minimum standards of expertise related to the installing or altering the installation of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars for certification of installers and shall provide, in a technical and practical study guide format, information to assist the installer to achieve certification. A denial of recertification is subject to appeal to the director of the department or the director's representative.

(c) The department shall develop the examinations necessary to assess the expertise of persons seeking certification as an installer of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars and shall establish a testing process to administer those examinations.

(d) When an applicant passes the examination administered pursuant to subdivision (c), the department shall provide proof of certification to the successful applicant.

~~(e) Certification of installers shall run concurrently with the underlying contractor's license issued or renewed by the Contractors State Licensing Board. The certification, the underlying license, or both the certification and license may be suspended or revoked by the Contractors State Licensing Board~~

~~1 if the applicant has performed unsatisfactorily or violated any~~
~~2 provision of Part 2 (commencing with Section 18000), this part,~~
~~3 or Part 2.3 (commencing with Section 18860).~~

~~4 (f)~~

5 (e) The department shall charge fees commensurate with its
6 costs of implementing this section to applicants for installer
7 certification or renewal, training, and testing.

8 (f) *The department may adopt guidelines to implement the*
9 *training, testing, certification, and enforcement provisions for*
10 *installers under this section. Until July, 1, 2009, these guidelines*
11 *shall not be subject to the requirements of the Administrative*
12 *Procedure Act (Chapter 3.5 (commencing with Section 11340) of*
13 *Part 1 of Title 2 of the Government Code).*

14 18615.5. (a) The director of the department or his or her
15 designee or an employee authorized by a local enforcement
16 agency that has assumed jurisdiction pursuant to Sections 18300
17 and 18865, may issue a citation that assesses a civil penalty
18 against an installer or person required to be certified pursuant to
19 Section 18616 for any violation of Part 2 (commencing with
20 Section 18000), this part, or Part 2.3 (commencing with Section
21 18860), or regulations adopted pursuant to those provisions that
22 relate to installing or altering the installation of manufactured
23 homes, mobilehomes, multiunit manufactured housing, and
24 commercial modulars.

25 (b) Each citation and related civil penalty assessment shall be
26 issued no later than six months after issuance of the notice to
27 correct that is the basis of the citation. The penalties provided for
28 in this section are in addition to, and shall be consistent with, the
29 remedies and penalties specified in Section 18700 or Chapter 9
30 (commencing with Section 7000) of Division 3 of the Business
31 and Professions Code, Part 2 (commencing with Section 18000),
32 this part, or Part 2.3 (commencing with Section 18860), or
33 regulations adopted pursuant to those provisions.

34 (c) The amount of any civil penalty assessed pursuant to
35 subdivision (a) shall be in the amounts specified in Section
36 18021.7. The civil penalties assessed pursuant to this section
37 shall be payable to the enforcement agency and shall be remitted
38 within 45 days of the issuance of the citation.

39 (d) A person or entity that is served a citation pursuant to this
40 section may petition the director or his or her designee, or the

1 authorized representative or the local enforcement agency, where
2 applicable, for a hearing. The petition shall be in writing and
3 shall be received by the department or the local enforcement
4 agency within 30 days of the date of issuance of the citation.

5 (e) Upon receipt of a timely petition, the enforcement agency
6 shall suspend enforcement of the citation, set a time and place for
7 a hearing, and give the recipient of the citation written notice of
8 the hearing. The hearing shall commence no later than 30 days
9 following receipt of the petition or at another time scheduled by
10 the enforcement agency pursuant to a request by the petitioner or
11 the enforcement agency if the enforcement agency determines
12 that good and sufficient cause exists. If the petitioner fails to
13 appear at the time and place scheduled for the hearing, the
14 enforcement agency may notify the petitioner in writing that the
15 petition is dismissed and that compliance with the terms of the
16 citation shall occur within 10 days after receipt of the
17 notification.

18 (f) The enforcement agency shall notify the petitioner in
19 writing of its decision and the reasons for the decision within 30
20 days following conclusion of the hearing held pursuant to this
21 section. If the enforcement agency upholds the citation, in whole
22 or in part, the petitioner shall comply with the citation in
23 accordance with the decision within 30 days after the decision is
24 mailed by the enforcement agency.

25 18616. (a) Notwithstanding any other provision of law, a
26 ~~person may not act as a contractor or general manufactured home~~
27 ~~contractor, as those terms are defined in Article 2 (commencing~~
28 ~~with Section 7025) of Chapter 9 of Division 3 of the Business~~
29 ~~and Professions Code, or regulations promulgated pursuant to~~
30 ~~those provisions, to install, or alter the installation of, a~~
31 ~~manufactured home, mobilehome, multiunit manufactured home,~~
32 ~~or commercial modular unless that person has been certified~~
33 ~~pursuant to Section 18615 and is one of the following: person~~
34 ~~who is licensed under Chapter 9 (commencing with Section~~
35 ~~7000) of Division 3 of the Business and Professions Code shall~~
36 ~~not install or alter the installation of a manufactured home,~~
37 ~~mobilehome, multiunit manufactured home, or commercial~~
38 ~~modular unless that person holds a current certification as~~
39 ~~required under this article and also holds the General~~
40 ~~Manufactured Housing (C-47) classification as defined under~~

1 *Section 832.47 of Division 8, Title 16 of the California Code of*
2 *Regulations.*

3 ~~(1) A general contractor who holds the “C-47” manufactured~~
4 ~~home specialty license as defined in the regulation of the~~
5 ~~Contractors State Licensing Board.~~

6 ~~(2) A specialty contractor who holds the “C-47” manufactured~~
7 ~~home specialty license as defined in the regulations of the~~
8 ~~Contractors State Licensing Board.~~

9 (b) An application by a person for a permit to install, alter the
10 installation of, or reinstall a manufactured home, mobilehome,
11 multiunit manufactured housing, or commercial modular
12 pursuant to this part or Part 2.3 (commencing with Section
13 18860) shall be accompanied by the appropriate license issued by
14 the Contractors State Licensing Board and, if applicable, the
15 permit issued pursuant to Section 18551.1.

16 (c) This section shall become operative on July 1, 2006.

17 SEC. 2. The heading of Article 2.5 of Chapter 5 of Part 2.1 of
18 Division 13 of the Health and Safety Code, immediately
19 following Section 18614, is repealed.

20 SEC. 3. Section 18871.1 is added to the Health and Safety
21 Code, to read:

22 18871.1. If a manufactured home, mobilehome, or
23 commercial modular is installed in a park, or its installation is
24 altered, the installation or alteration shall comply with the
25 applicable provisions of Part 2.1 (commencing with Section
26 18200) and the regulations adopted pursuant to those provisions.

27 SEC. 4. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the
32 penalty for a crime or infraction, within the meaning of Section
33 17556 of the Government Code, or changes the definition of a
34 crime within the meaning of Section 6 of Article XIII B of the
35 California Constitution.